

DOCKET NO: 230257US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Nathalie Jager-Lezer : GROUP ART UNIT: 1615
SERIAL NO: 10/664,894 :
FILED: SEPTEMBER 22, 2003 : EXAMINER: VENKAT, JYOTHSNA
FOR: COSMETIC COMPOSITION :
COMPRISING FIBRES :

DECLARATION UNDER 37 C.F.R. 1.132

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I, Nathalie JAGER- LEZER, hereby declare:

1. I am employed by L'ORÉAL as an engineer and have experience working with cosmetic compositions containing fibers.
2. Attached at Tab A are photographs of (a) polyamide fibers (polyamide 6-6, 0.9 DTex, 3 mm), commercially available from Paul Bonte; and (b) polyimide-amide fibers (Kermel Tech, 2 mm) commercially available from Rhodia. Both types of fibers were added to the identical cosmetic base compositions. As can be seen from the first photograph, the polyamide fibers from Paul Bonte formed curved, non-linear structures. In contrast, the polyimide-amide fibers formed substantially linear structures. These photographs demonstrate that the polyamide fibers are flexible, not rigid and substantially rectilinear, whereas the polyimide-amide fibers are rigid and substantially rectilinear.
3. Also, the mascara of example 1 of the present application was prepared. A comparative example substantially identical to example 1 was also prepared. The only

difference between example 1 and the comparative example was that example 1 contained 1 g of the polyimide-amide fibers discussed in paragraph 2 above, whereas the comparative example contained 1 g of 3 mm Nylon polyamide fibers.

4. Each composition was observed between a slide and a leaf using a Navitar microscope (5*0.5, full field vision). On each fiber, the angle formed between the tangent to the central longitudinal axis of the fiber at one of the ends of the fiber and the straight line connecting said end to the point on the central longitudinal axis of the fiber corresponding to half the length of the fiber was measured. Also, the angle formed between the tangent to the central longitudinal axis of the fiber at a point halfway along the fiber and the straight line connecting one of the ends to the point on the central longitudinal axis of the fiber corresponding to half the length of the fiber was measured. The measurements were taken three times, and the average of the measurements was calculated. Set forth below are the results of the measurements.

Composition	Average value of the measured angles	Number of fibers (%) having and average angle value of less than or equal to 15°
Example 1	3.7°	100%
Comparative example	33.4°	0%

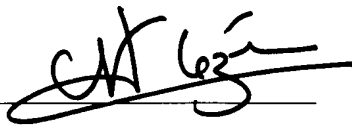
These results further demonstrate that the polyamide fibers are flexible, not rigid and substantially rectilinear as required by the claims in the present application, whereas the polyimide-amide fibers are rigid and substantially rectilinear.

5. The undersigned petitioner declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believe to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

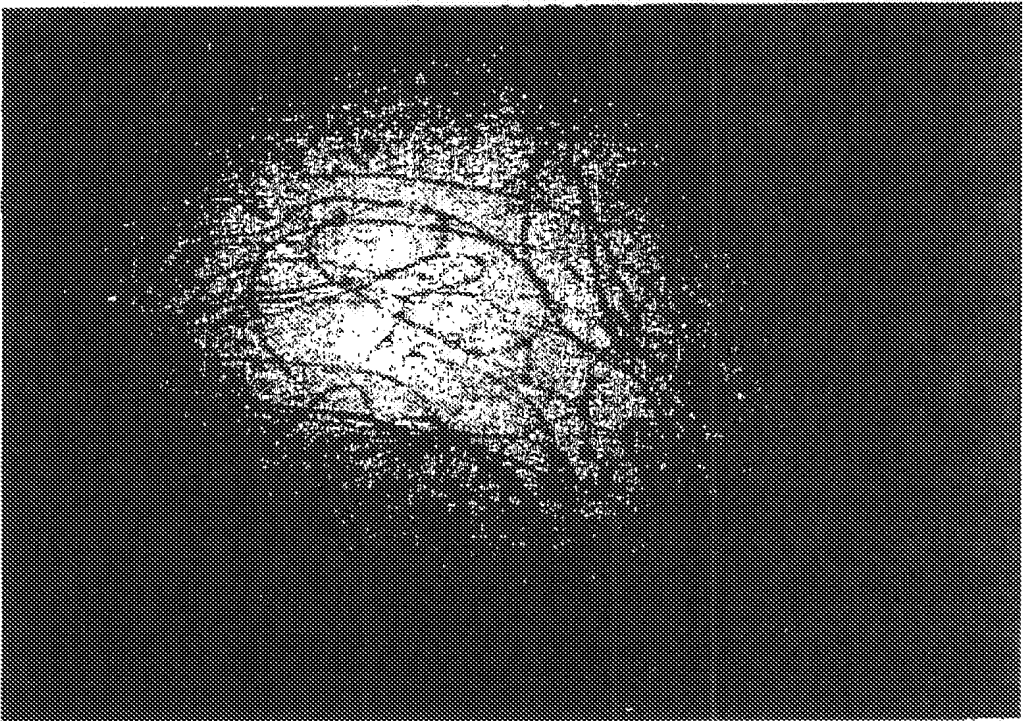
6. Further deponent sayeth not.

JAGER-LEZER Nathalie
Name


Signature

15 February 2006
Date

Nylon fibers (polyamide 6,6,
0,9D Tex, 3 mm of Paul Bonte)



Polyimide-amide fibers
(Kermel Tech, 2 mm of Rhodia)

